

REMARKS/ARGUMENTS

Status of Claims

Claims 1-26 were pending in this application before the present response. In the Office Action dated January 10, 2008, claim 8 stands objected to. Claim 14 stands rejected under 35 U.S.C. § 112, ¶ 2. Claims 1-6, 9-10, 15-18, 20, and 24-26 stand rejected under 35 U.S.C. § 102(b). Claims 7, 8, 11-13, 19, and 21-23 stand rejected under 35 U.S.C. § 103(a).

Claims 1, 8, 14, 16, 20, and 26 have been amended in this response. Claims 2-4, 17-18, and 24-25 are cancelled without prejudice. No new matter is added. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicants' invention.

Claims 1, 5-16, 19-23, and 26 are now pending in this application. Applicants respectfully request reconsideration and allowance of all pending claims, in view of the following remarks.

Claim Objections

Claim 8 is amended to correct a typographical error. Applicants thank the Examiner and respectfully request withdrawal of the objection.

Claim Rejection – 35 U.S.C. § 112

Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph, on the basis that "TOM₁ has not been defined." Claim 14 is amended to correct a typographical error. Applicants thank the Examiner and respectfully request withdrawal of the rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 9-10, 15-18, 20, and 24-26 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,137,834 to Wine et al. (hereinafter

“Wine”). The rejection is moot as to cancelled claims 2-4, 17-18, and 24-25. With respect to claims 1, 5-6, 9-10, 15-16, 20, and 26, Applicants respectfully traverse the rejection.

Independent claim 1, as amended, recites in relevant part “receiving a **request** from a remote controller operative to switch said source of said audiovisual program” and “receiving a **return request** from said remote controller operative to return said source to said first real-time digital bitstream.” Independent claims 16, 20, and 26 similarly recite **both** a request and a return request.

The Office Action cites col. 5, lines 3-18 of Wine, for the feature of the request (Office Action, page 3, lines 5-6) and also for the feature of the return request (Office Action, page 4, lines 1-2). Applicant respectfully notes that the cited portion of Wine does not disclose **both** a request and a return request. Rather, Wine discloses a “control signal SELECT” for a single request.

Because Wine fails to disclose **both** a request and a return request, as recited by independent claims 1, 16, 20, and 26, the independent claims are not anticipated by Wine. Claims 5-6, 9-10, and 15 which depend from claim 1, are also not anticipated by Wine at least by virtue of their dependency upon claim 1.

As Wine fails to disclose each and every element of claims 1, 5-6, 9-10, 15-16, 20, and 26, Applicants respectfully submit that claims 1, 5-6, 9-10, 15-16, 20, and 26 are not anticipated by Wine, and request that the rejection of claims 1, 5-6, 9-10, 15-16, 20, and 26 under 35 U.S.C. § 102(e) be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 7, 8, 11-13, 19, and 21-23 stand rejected under 35 U.S.C. § 103(a).

For at least the reasons previously stated, independent claims 1, 16, and 20 are allowable. Dependent claims 7, 8, and 11-13, which depend on claim 1 and incorporate all of the limitations thereof, are similarly patentable. Dependent claim 19, which depends on claim 16 and incorporates all of the limitations thereof, is similarly patentable. Dependent claims 21-23, which depend on claim 20 and incorporate all of the

limitations thereof, are similarly patentable.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 7, 8, 11-13, 19, and 21-23 under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing discussion, it is believed that claims 1, 5-16, 19-23, and 26 are allowable over the cited art. Applicants respectfully submit that all pending claims are in condition for allowance, and earnestly request that all rejections of the claims be withdrawn and a Notice of Allowance be entered at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Respectfully submitted,
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